

# EXHIBIT D

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK-CIVIL TERM-PART 23

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FRANCIS J. HARVEY, JR. AND JEAN WILHELM,

Plaintiffs

Index No. 109415-2007

-against-

Justice: Hon. Richard Braun

320 OWNERS CORPORATION and  
CHARLES LOWERY, in his capacity as President,

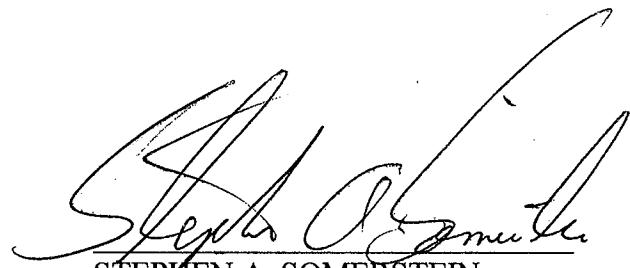
Defendants

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**NOTICE OF VOLUNTARY DISCONTINUANCE**

PLEASE TAKE NOTICE, that the Plaintiffs herein, FRANCIS J. HARVEY, JR. and JEAN WILHELM, through their counsel, pursuant to CPLR § 3217(1), hereby voluntary discontinue this action, without prejudice.

Dated: Brooklyn, New York  
July 23, 2007



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